## REMARKS/ARGUMENTS

Applicant has reviewed the Office Action (OA) of July 23, 2007 and request reconsideration of the application for the reasons described below.

### Status of Claims

Claims 19-34, 37, 38, 41-59 are pending in this application.

### Claim Rejections Under 35 U.S.C. §112

The rejection of Claims 30, 53, 56 and 58 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement, is respectfully traversed.

The final office action ("FOA") states that:

> *Claim 30 recites that the receiver uses embedded fuzzy logic to enhance detection of the unique user code in said transmitted DSSS signal. However, Applicant's FIG. 1, shows a fuzzy logic detector (61) inside of the receiver unit (50). Receiver unit 50 is fully disclosed in FIG. 3, however, neither the specification, nor the drawings provide any detail as to how any fuzzy logic is used within the components of FIG. 3 to enhance detection of the unique user code. (Emphasis added)*

First, there are multiple paragraphs directed to fuzzy logic detection embedded in receiver 50. The Applicant directs the Examiner's attention to the entire specification but specifically to paragraphs [0010], [0013] and [0014] for detailed support of the fuzzy logic detection. Fuzzy logic is software that employs a set of rules. For example, in paragraph [0013], the specification states "fuzzy logic detection sub-system 61 may use a set of if-then rules." In paragraph [0014], the specification states "fuzzy logic detection sub-system 61 in ... receiver 50 utilizes the if-then fuzzy set to map the received user code bits ..." Paragraph [0014] provides explicit details related to the "rules" and the evaluation of such "rules." More importantly, FIG. 4 is provided to graphically illustrate features of the fuzzy logic detection and the basis of

the evaluation of the rules. In fact, FIG. 4 is described as "graph showing utilization of an embedded fuzzy logic coding algorithm."

The fuzzy logic detection sub-system 61 is shown in FIG. 1 and described as being associated with receiver 50. As acknowledged in the FOA, the rejection states "receiver unit 50 is fully disclosed in FIG. 3." Hence, in view of the disclosure and drawings, Applicant has described the fuzzy logic detection sub-system 61 and how it is used to enhance detection of the unique user code.

Based on the above, Applicant respectfully requests that the rejection of Claims 30, 53, 56 and 58 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, be withdrawn.

**Claim Rejections Under 35 U.S.C. §102(e)**
**Lindemann et al. (U.S. Patent Application 2004/0223622)**

The rejection of Claims 33, 34 and 37-38 under 35 U.S.C. §102(e) as being anticipated by Lindemann (U.S. Patent Application 2004/0223622) is respectfully traversed.

Claim 33 recites

> *...at least one module adapted to audibly reproduce said processed CDMA signal, said CDMA communication configuration providing* ***a user with independent audio reproduction free of interference*** *from other users or wireless devices.* (Emphasis added)

The above emphasized claim language is not taught or suggested by Lindemann. Lindemann does not address reproduction that is interference free. Furthermore, Applicant observes that Lindemann does not mention interference or address the problem identified by Applicant and thus Applicant's solution to provide *a user with independent audio reproduction free of interference from other users or wireless devices*. Instead, Lindemann is directed to digital wireless loudspeaker system and the delivery of signals to the speakers. Thus, Lindemann is not directed to a system capable of (1) providing a user with *independent audio reproduction;* and (2) *reproduction free of interference from other users or wireless devices*. By contrast, Lindemann simply provides a "loudspeaker system" where anyone can listen.

The Examiner states on page 2 of the FOA that the ". . . speakers reproduce audio independently without interference from other speakers. This is more clearly shown in paragraph 66 of Lindemann which states that certain groups of speakers can be selected and independently operated using Status messages embedded in the audio packet headers and Status decode logic." Applicant has provided the text from Lindemann beginning from the paragraph 0064 through paragraph 0066 below which states:

*[0064] The output of the Channel Selection Interface 1000 determines which audio channel the individual loudspeaker is assigned to in a surround sound or stereo system, which mix mode to use (described later), and digital crossover filter EQ information (also described later). FIG. 18 shows one embodiment of the Channel Selection Interface. A Channel Selection Switch 1801 located on the speaker cabinet allows the user to specify what role an individual speaker is assigned to in a surround sound system: left front, center front, right front, left read, right rear. In the case of subwoofer the speaker itself is sufficiently distinctive that know switch is necessary. The output of the Channel Selection Switch is input to the Channel Selection Register and Status Decode Logic 1802. The output of the Channel Selection Register and Status Decode Logic 1802 is the output of the Channel Selection Interface 1000 and is sent to the remaining functional units of the Digital to Speaker Input Conversion and Channel Selector. A special NO_CHANNEL output code from the Channel Selection Interface specifies that the speaker is disabled and should respond to no channel selection. Also comprised in the Channel Selection Interface is a Group Selection Switch 1800. Many homes and offices have multiple groups of loudspeakers--e.g. a group of loudspeakers in the living room and another group in the kitchen. The Group Selection Switch allows a loudspeaker to be assigned to one of many groups of loudspeakers. (Emphasis added)*

*[0065] Status information from the Framing and Error Protection Decoder and Sample Clock Generator 106,116,126 of FIG. 1) is also received by the Channel Selection Interface 1000 and input to the Channel Selection Register and Status Decode Logic 1802. Among other messages, the status information contains commands to enable or disable a particular group of speakers. When the group to which the current loudspeaker is assigned is disabled, the Channel Selection Register and Status Decoder Logic 1802 is set to output the special NO_CHANNEL output code.*

*[0066] Another status message determines enabling of different speaker modes according to speaker group. For example, "enable only left and right front channels for stereo speaker Group A". Another useful status message is "enable left and right front channels of speaker Group B to mix down the received six channel surround data to two channel stereo". This would be appropriate if there were only two stereo speakers in speaker Group B. This mix information appears at the output of the Channel Selection Register and Status Decode Logic 1802, and is input*

> *to the Channel Selector and Mixer and Volume Control (1003 of FIG. 10). At the same time another status message can be sent saying "enable full six channel decode on Group B". This would be appropriate if Speaker Group A consists of a full complement of six surround sound speakers. Again the mix information is used in this case. (Emphasis added)*

First, Applicant observes that the term "independent" or "independently" cannot be found anywhere in Lindemann.

Second, Applicant fails to see how the Examiner's characterization of paragraph 66 in Lindemann teaches (1) providing *a user* with *independent audio reproduction* (i.e., an individual using the transmitter and receiver headphone of the wireless digital audio music system); and (2) *reproduction free of interference from other users* (i.e., multiple individuals, each using their own transmitter and receiver headphone of the wireless digital audio music system) *or wireless devices*. Instead, according to Lindemann the loudspeaker system includes "multiple groups of loudspeakers--e.g. a group of loudspeakers in the living room and another group in the kitchen. The Group Selection Switch allows a loudspeaker to be assigned to one of many groups of loudspeakers." Applicant fails to see the nexus of the Examiner's characterization of paragraph 66 with the explicit claim language in claim 33.

More specifically, Lindemann is directed to a "Digital wireless loudspeaker system" (Abstract). Applicant acknowledges that the speakers of Lindemann produces an audio output and may be selectively enabled and disabled. However, the speakers are not "*independent*" or "*independently*" operated. Instead, the speakers are part of Lindeman's system.

Even assuming that the operation of the speakers in Lindemann is independent, there is no teaching that such independent operation of speakers provides "a user with *independent* audio reproduction free of interference."

Returning again to the FOA, the rejection again relies on FIG. 15A for a teaching that the "the speakers reproduce, which receive the audio without interference

from the other speakers." (See page 5 of the FOA.) A quick search of the patent application publication reveals that there is no mention of the term "interference" in Lindemann. It is well known by those skilled in the art that radio frequency (RF) interference originates from a source (i.e., transmitter) external to a RF signal path and produces undesired artifacts in the RF signal. Lindemann does not address speaker receiver interference due to many same transmitters sharing the same space [Lindemann 20040223622 paragraph 0011 "...signal generated by the single RF transmitter in the audio transmission device;" and paragraph 0058 "...Signal generated by the single RF Transmitter."]. Based on the foregoing, Applicant respectfully submits that FIG. 15A does not provide any evidence that the speakers "receive the audio without interference."

Claim 34 contains similar language. Thus, the remarks set forth above in relation to Claim 33 equally apply to Claim 34.

Accordingly, Lindemann cannot anticipate Applicant's Claims 33 and 34. For at least this reason, Applicant respectfully requests withdrawal of the rejection of Claims 33 and 34 by Lindemann under 35 U.S.C. §102(e).

Dependent Claims 37 and 41 depend directly or indirectly from independent Claim 33. Furthermore, dependent Claims 38 and 42 depend from independent Claim 34. These dependent claims contain all of the limitations of independent Claims 33 or 34, thus, any rejections under 35 U.S.C. §§102 or 103 should be withdrawn by virtue of their dependency from independent Claims 33 or 34.

Additionally, Applicant believes that the dependent claims 37, 38, 41 and 42 recite other features that are clearly lacking from the applied reference(s), and do not acquiesce to any of the rejections.

**Claim Rejections Under 35 U.S.C. §103**
**Lindemann et al. (U.S. Patent Application 2004/0223622)**
**in view of Sato (U.S. Patent 4,970,637)**

The rejection of claims 19-29 and 43-52 under 35 U.S.C. §103(a) as being unpatentable by Lindemann et al. (U.S. Patent Application 2004/0223622) in view of Sato (U.S. Patent 4,970,637) is respectfully traversed.

Applicant would like to mention that in addition to Lindemann and Sato, the rejection of Claim 19 also relies upon Roberts, et al. (U.S. Patent 6,418,558), and Schotz (U.S. Patent 5,946,343). Furthermore, the rejection of Claim 19 relies on numerous statements that various claimed elements in Claim 19 are notorious.

In regards to Claim 19, in addition to the remarks set forth above in relation to claims 33 and 34, neither Lindemann nor Sato teach "*for private audio reproduction of said music*" or "*reproduce said audio output representative of said music, if the unique user code bit sequence is recognized.*" Hence any combination of Lindemann and Sato would not produce applicant's invention. There is nothing in Lindemann, the primary reference, to provide a user with private audio reproduction, such as via headphones, and without interference from other users or wireless devices. By contrast, Lindemann simply provides a "loudspeaker system" where anyone can listen; Lindemann does not address interference anywhere. The word "private" does not appear anywhere in Lindemann or Sato. Furthermore, "private" does not appear in Schotz '343 or Roberts '558.

In Lindemann, the system does not transmit "music" with a "unique user code bit sequence." At best, Lindemann sends different channels (for stereo or surround sound) to different speakers and does not require "a unique user code bit sequence."

Furthermore, the wireless digital audio music system of the Applicant utilizes Code Division Multiple Access (CDMA) to allow multiple wireless digital audio music system users to simultaneously share a finite amount of radio frequency spectrum. Lindemann utilizes CDMA to multiplex the audio spectrum [Lindemann 20040223622

paragraph 0075 "This corresponds to a Code Division Multiple Access (CDMA) method of multiplexing the multiple audio channels."]. Moreover, Schotz does not mention CDMA anywhere. Therefore, any combination of Lindemann, Sato, Schotz or Roberts would not produce the applicant's invention.

On page 8 of the FOA, the Examiner appears to be equating "unique user code bit sequence," as claimed by Applicant, to "status messages ... in the transmission frames to control speaker attributes such as speaker group." The FOA also directs Applicant to paragraphs 0011 and 0064. However, Lindemann provides channel selection for various combinations of speakers or groups of speakers such as to provide, in one embodiment, a "full complement of six surround sound speakers." Lindemann is essentially silent with regard to the use of or the need for a "unique user code bit sequence."

In view of the foregoing remarks, the rejection of Claim 19 under 35 U.S.C. §103(a) as being unpatentable by Lindemann in view of Sato (Schotz and/or Roberts), as well as, the numerous assertions by the Examiner that claimed elements are notorious, is respectfully traversed. Thus, the rejection of Claim 19 under 35 U.S.C. §103(a) should be withdrawn.

Dependent Claims 20-29 depend directly or indirectly from independent Claim 19. These dependent claims contain all of the limitations of independent Claim 19, thus, any rejections under 35 U.S.C. §103 should be withdrawn by virtue of their dependency from independent Claim 19.

Additionally, the Applicant believes that many of the dependent claims 20-29 recite other features that are clearly lacking from the applied references, and do not acquiesce to any of the rejections.

As to claim 28, Lindemann is directed to a "digital wireless loudspeaker system" with surround sound capability. Thus, modifying Lindemann to incorporate the teachings of Lindemann as modified by Sato (Schotz and/or Roberts) into a headphone set is using applicant's own disclosure. Furthermore, such a modification

destroys the intended operation of Lindemann, the primary reference, to disperse multiple speakers with speaker groups in different rooms as well as provide a "full complement of six surround sound speakers."

Claims 43 and 44 contain similar language as Claim 19. Thus, the remarks set forth above in relation to Claim 19 equally apply.

In view of the foregoing remarks related to Claim 19, the rejection of Claims 43 and 44 under 35 U.S.C. §103(a) as being unpatentable by Lindemann in view of Sato (Schotz and/or Roberts), as well as, the numerous assertions by the Examiner that claimed elements are notorious, is respectfully traversed. Thus, the rejection of Claims 43 and 44 under 35 U.S.C. §103(a) should be withdrawn.

Dependent Claims 45, 47, and 49 depend directly or indirectly from independent Claim 43. Dependent Claims 46, 48, and 50 depend directly or indirectly from independent Claim 44. These dependent claims contain all of the limitations of their corresponding independent Claim 43 or 44, thus, any rejections under 35 U.S.C. §103 should be withdrawn by virtue of their dependency therefrom.

Applicant further believes that many of the dependent Claims 45-50 recite other features that are clearly lacking from the applied references, and do not acquiesce to any of the rejections.

Claim 51 positively recites "*a code generator to add a unique user code to a modulator output, the modulator output including the audio output representative of said music.*". As remarked previously, Lindemann, the primary reference, does not require a "*unique user code*" or add "*the unique user code to a modulator output ... including the audio output representative of said music.*" Hence, Lindemann does not have a "*code generator to add a unique user code.*"

Moreover, neither Lindemann, nor Sato, adds "*the unique user code to a modulator output ... including the audio output representative of said music.*" Hence any combination of these references still would not produce applicant's claimed invention.

In view of the foregoing amendments and remarks, the rejection of Claim 51 under 35 U.S.C. §103(a) as being unpatentable by Lindemann in view of Sato (Schotz and/or Roberts), as well as, the numerous assertions by the Examiner that claimed elements are notorious, is respectfully traversed. Thus, the rejection of Claim 51 under 35 U.S.C. §103(a) should be withdrawn.

Claim 52 includes a positive recitation of a "*unique user code bit sequence*" and "*for private listening of high fidelity audio music.*" The remarks set forth above in relation to Claim 19 equally apply to Claim 52.

In view of the foregoing remarks, the rejection of Claim 52 under 35 U.S.C. §103(a) as being unpatentable by Lindemann in view of Sato (Schotz and/or Roberts), as well as, the numerous assertions by the Examiner that claimed elements are notorious, is respectfully traversed. Thus, the rejection of Claim 52 under 35 U.S.C. §103(a) should be withdrawn.

On page 13 of the FOA, when rejecting claims 43, 44 and 49-52, the Examiner relies on the rejections provided for 19, 27 and 30. However, Claim 30 is not rejected under Lindemann in view of Sato (Schotz and/or Roberts).

**Claim Rejections Under 35 U.S.C. §103**
**Lindemann et al. in view of Sato and in further view of**
**Benthin (U.S. Patent 5,790,595)**

The rejection of Claims 30-32 and 53 under 35 U.S.C. §103(a) as being unpatentable by Lindemann et al. (U.S. Patent Application 2004/0223622) in view of Sato (U.S. Patent 4,970,637) in further view of Benthin (U.S. Patent 5,790,595) is respectfully traversed.

As to Claim 30, Claim 30 includes similar claim limitations as claim 19. Thus, the remarks set forth above in relation to Lindemann, Sato and the combination of Lindemann and Sato, as applied to Claim 19 equally apply.

The FOA acknowledges that Lindemann as modified by Sato does not "disclose that the receiver utilizes embedded fuzzy logic." Thus, the rejection relies on Benthin.

First, Claim 30 includes "*fuzzy logic to enhance detection of the unique user code.*" Since Lindemann does not require a "*unique user code*," there is no need or motivation to place "*fuzzy logic to enhance detection of the unique user code*," in the receiver of Lindemann.

Applicant observes that Benthin is relied upon for soft decisions in a receiver or during demodulation of a signal. (See page 14 of the FOA.) However, Benthin does not teach "*fuzzy logic to enhance detection of the unique user code*," in the receiver. Thus, any combination of Lindemann in view of Sato and Benthin still would not produce applicant's claimed invention.

In view of the foregoing remarks, the rejection of Claim 30 under 35 U.S.C. §103(a) as being unpatentable by Lindemann in view of Sato in further view of Benthin, Schotz and/or Roberts, as well as, the numerous assertions by the Examiner that claimed elements are notorious, is respectfully traversed. Thus, the rejection of Claim 30 under 35 U.S.C. §103(a) should be withdrawn.

Dependent Claims 31 and 32 depend directly or indirectly from independent Claim 30. These dependent claims contain all of the limitations of independent Claim 30, thus, any rejections under 35 U.S.C. §103 should be withdrawn by virtue of their dependency from independent Claim 30.

Applicant believes that many of the dependent Claims 31-32 recite other features that are clearly lacking from the applied references, and do not acquiesce to any of the rejections.

As to Claim 32, Lindemann is directed to a "digital wireless loudspeaker system" with surround sound capability. Thus, modifying Lindemann to incorporate the teachings of Lindemann as modified by Sato (Schotz and/or Roberts) into a headphone set is using applicant's own disclosure. Furthermore, such a modification destroys the intended operation of Lindemann, the primary reference, to disperse

multiple speakers with speaker groups in different rooms as well as provide a "full complement of six surround sound speakers."

Claim 53 includes a positive recitation of a "*unique user code bit sequence*" and "*a fuzzy logic detector to enhance detection of the unique user code bit sequence.*" The remarks set forth above in relation to Claim 30 equally apply to Claim 53.

In view of the foregoing amendments and remarks, the rejection of Claim 53 under 35 U.S.C. §103(a) as being unpatentable by Lindemann in view of Sato in further view of Benthin (Schotz and/or Roberts), as well as, the numerous assertions by the Examiner that claimed elements are notorious, is respectfully traversed. Thus, the rejection of Claim 53 under 35 U.S.C. §103(a) should be withdrawn.

**Claim Rejections Under 35 U.S.C. §103**
**Lindemann et al. (U.S. Patent Application 2004/0223622)**

The rejection of Claims 41 and 42 under 35 U.S.C. §103(a) as being unpatentable by Lindemann (U.S. Patent Application 2004/0223622) is respectfully traversed.

Lindemann as modified by the Examiner does not teach the deficiencies described in relation to independent Claims 33 and 34. Hence, Lindemann as modified does not teach the claimed invention since Lindemann as modified does not teach all the limitation of the base Claims (33 and 34) from which Claims 41 and 42 depend.

In view of the above remarks, the rejection of Claims 41 and 42 under 35 U.S.C. §103(a) as being unpatentable by Lindemann should be withdrawn.

**Claim Rejections Under 35 U.S.C. §103(a)**
**Lavelle (U.S. Patent 6,678,892)**

The rejection of Claims 54, 55, 57 and 59 under 35 U.S.C. §103(a) as being unpatentable by Lavelle (U.S. Patent 6,678,892) is respectfully traversed.

Claim 54 recites

*...an audio source to provide an audio signal representative of music having an existing analog headphone plug;*

*a battery-powered transmitter coupled to ... via said analog headphone plug... (Emphasis added)*

The FOA relies on the wireless transmitter 510 in FIG. 1B for the battery powered transmitter of Applicant's claim. The Examiner acknowledges in the FOA that Lavelle does not include headphone plugs. However, the Examiner states that "headphone plugs are notoriously well known in the art." The Examiner provides Applicant with an example of an iPod.

First, in Applicant's claim, both a headphone plug and a transmitter coupled to an audio source via the headphone plug is positively recited. Applicant observes that the transmitter and receiver of Lavelle are intended to be installed in a vehicle and would generally be permanent fixtures in the vehicle. The transmitter 510 is arranged to communicate with wireless headphone sets via CDMA. Hence, there is neither an "*existing analog headphone plug,*" as claimed, nor a need for one. More importantly, Lavelle has no need for a headphone plug since the original configuration of the primary reference (Lavelle) seeks to provide wireless communications in a vehicle (obviating the need for a headphone plug to connect the headphone).

Nonetheless, even assuming that Lavelle may be modified with a headphone plug, there is no teaching in Lavelle to further remove the transmitter 510 from the vehicle and couple this "transmitter" via a headphone plug (which is not even present in Lavelle). Nowhere in Lavelle is such an arrangement described, especially since a headphone plug does not exist in the first place. Hence, the Examiner is rejecting Applicant's invention on hindsight using applicant's own disclosure.

Applicant further observes that the "transmitter" 510 of Lavelle is battery powered by virtue of its installation in the vehicle and connection to the vehicle's battery source. Thus, for Lavelle's transmitter to utilize the charging (battery) system of a vehicle for power, it is necessary to connect the entertainment unit and transmitter

by cable or cord to the charging (battery) system. Henceforth, removing the transmitter 510 from the vehicle's battery source destroys the transmitter's ability to use the vehicle's battery source relied upon in the Examiner's rejection on page 17 of the FOA.

Additionally, while Lavelle employs CDMA communications between the transmitter and headphone, Lavelle does not teach a unique user code, as claimed. In the CDMA embodiment of Lavelle, Walsh code generators and PN (pseudo random number) generators are described. However, while these generators produce a code, such code is designed to change. Thus, Lavelle codes are not a "unique" user code.

Applicant observes that Lavelle provides multiple headphone sets in a vehicle and intends to minimize interference between the headphone sets [Lavelle 6,678,892 column 6 lines 43 – 45 "...the wireless signals may be encoded to prevent interference between the two wireless headphone sets 152, 154."]. By contrast, claim 54 states "... CDMA communication ...provide a particular user with private audio reproduction free of interference from other users of other wireless digital audio music systems in a shared space." Each wireless digital audio music system consists of a CDMA transmitter and a CDMA receiver headphone; hence, interference between a particular CDMA receiver headphone of a wireless digital audio music system and the CDMA transmitters of other wireless digital audio music systems, in a shared space, is eliminated. However, Lavelle's CDMA embodiment does not address interference between a headphone set and many same transmitters sharing the same space. Additionally, Lavelle does not also "*provide a particular user with private audio reproduction free of interference from other users of other wireless digital audio music systems in a shared space*," as claimed. Lavelle does not use a unique user code.

In Applicant's invention, both the transmitter and receiver of the wireless digital audio music system are battery-powered for use that includes portable audio sources so the wireless digital audio music system is without cable or cord to limit the mobility of a user operating a portable music player. Because the user is mobile, two or more

wireless digital audio music systems may be in use at the same time in a shared space. In this event, a particular wireless digital audio music system (containing a transmitter and receiver) does not interfere with any other wireless digital audio music system (containing another transmitter and receiver) in a shared space.

As stated previously by Applicant, in the June 11, 2007 Response "It is well known by those skilled in the art that radio frequency (RF) interference originates from a source (i.e. transmitter) external to a RF signal path and produces undesired artifacts in the RF signal." Lavelle's CDMA system contains only one transmitter [Lavelle column 7 lines 26 – 28 states "It is to be appreciated that the use of CDMA technology enables a single transmitter (i.e., wireless transmitter 510) to transmit all programs simultaneously"]. Hence, Lavelle's CDMA system does not address headphone receiver interference due to many same transmitters sharing the same space because the system contains only one transmitter for the CDMA embodiment.

Claims 55 and 59 contains similar language as claim 54. Thus, the remarks above in relation to Claim 54 equally apply to Claims 55 and 59.

In view of the foregoing remarks, the rejection of Claims 54, 55 and 59 under 35 U.S.C. §103(a) as being unpatentable over Lavelle (U.S. Patent 6,678,892) is respectfully traversed. Thus, the rejection of Claims 54 and 55 under 35 U.S.C. §103(a) should be withdrawn.

As to Claim 57, Lavelle or Lavelle as modified does not teach a "*unique user code*" and *"free of interference from other users of other wireless digital audio music systems in a shared space."*

**Claim Rejections Under 35 U.S.C. §103(a)**
**Lavelle in view of Benthin**

The rejection of Claims 56 and 58 under 35 U.S.C. §103(a) as being unpatentable by Lavelle (U.S. Patent 6,678,892) in view of Benthin (U.S. Patent 5,790,595) is respectfully traversed.

Claim 56, by virtue of its dependency, contains all of the limitations of Independent Claim 55, and therefore allowable. Additionally, it recites features that are clearly lacking from Lavelle. Lavelle does not teach a "unique user code." Thus, there is no motivation to modify Lavelle with a fuzzy logic detector to enhance the detection of the "unique user code."

Claim 58, by virtue of its dependency, contains all of the limitations of Independent Claim 57, and therefore allowable. Additionally, it recites features that are clearly lacking from Lavelle. Lavelle does not teach a "unique user code." Thus, there is no motivation to modify Lavelle with a fuzzy logic detector to enhance the detection of the "unique user code."

In view of the foregoing remarks, the rejection of Claims 56 and 58 under 35 U.S.C. §103(a) as being unpatentable over Lavelle (U.S. Patent 6,678,892) in view of Benthin (U.S. Patent 5,790,595) is respectfully traversed. Thus, the rejection of Claims 56 and 58 under 35 U.S.C. §103(a) should be withdrawn.

## Conclusion

In view of the foregoing remarks, Applicant believes that the application is in condition for allowance. If for any reason the Examiner finds the application other than in condition for allowance, Applicant respectfully requests the Examiner to call the undersigned attorney at the telephone number listed herein below to discuss any steps necessary for placing the application in condition for allowance.

In the event that any additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required by or to give effect the to this paper to **Deposit Account #50-4010**. A duplicate copy of this authorization is enclosed herewith.

Respectfully submitted,
THE PATEL LAW FIRM, P.C.

Date: September 20th, 2007

Natu J. Patel
USPTO Reg. No. 39,559

NJP/lv/ec
Enclosure:

THE PATEL LAW FIRM, P.C.
2532 Dupont Drive
Irvine, California 92612-1524
Business: (949) 955-1077
Facsimile: (949) 955-1877
www.thepatellawfirm.com
NPatel@thePatelLawFirm.com